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PATENT - TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cheryl L. Neofytides **Examiner:** James Zurita
Serial No.: 09/613,615 **Group Art Unit:** 3625
Filed: July 11, 2000 **Docket No.:** 10722-32691
Confirmation No. 1081
Title: **Method for Enabling Transfer of Funds Through a Computer Network**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated June 21, 2006 containing a restriction requirement, the applicant hereby elects the **Group I** inventions, consisting of claims 91–113, with traverse, but without prejudice to the filing of one or more divisional application(s) directed to the nonelected subject matter.

The examiner is requested to reconsider the restriction requirement and rejoin the claims for a single examination. These claims are sufficiently closely related that they should belong in the same patent. There will be no appreciable burden on the examiner or on the Office to keep these claims together (there are only 3 independent claims remaining in the case). A concise and simple explanation of the relationship of the claims is set out on page 16 of the “Amendment and Response to First Office Action in Reopened Prosecution” filed June 13, 2005. Indeed, the claims are so closely related that even the examiner could not find a more disparate classification than subclasses 64 and 75 of Class 705 (Business Processing Using Cryptography). It is noted that subclass 75 (transaction verification) is subsidiary in the class schedule to subclass 64 (secure transaction); any meaningful search of either of the alleged three groupings should include both of these subclasses.

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or filed via facsimile at 571 272 8300 or ~~filed~~ via EFS-Web, on this August 16, 2006.


John R. Harris, Reg. No. 30,388

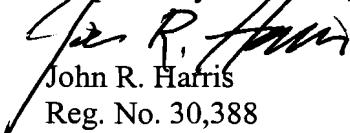
However, the burden on the applicant, with this case having been on file for over six (6) years, is significant. All three independent claims in the case share certain elements in common, e.g. the address book feature, utilizing email for the communications between parties, registration of a payee to receive a payment, etc. Any art that is applied in rejecting the claims (if there is any viable art, which is not admitted and is expressly denied) will in all likelihood be relevant to patentability of all of the independent claims. Granted, there are distinguishing features between the independent claims, but they all share significant elements in common and properly belong in the same patent.

This case has been pending now for more than six years (!), has been the subject of an RCE, has been on appeal, was inadvertently abandoned and revived, had documents sent to the wrong address and nearly abandoned again, etc. The Office, and the applicant, has expended considerable time and resources on this case. There is no good art that can be applied in this case—several examiners have handled the case and searched, and no good art has been found. There is no good reason to further multiply the cost and inconvenience to the applicant in this case merely because a tenuous case for a restriction can be made. Requiring applicant to pursue the subject matter in two or three divisional cases has no meaningful purpose and only serves to further delay the prosecution and reduce the applicant's patent rights. The examiner's workload will not be appreciably increased by allowing these three independent claims to remain in this case, be examined at one time, and issue as a single patent.

It is therefore urged that the restriction be withdrawn and the case proceed to an immediate allowance of all claims.

If the Examiner has any questions concerning this response or the application in general, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,



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